

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

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PARUS HOLDINGS INC.,	)
	)
	)
Plaintiff,	)
	)
v.	)
	)
SAMSUNG ELECTRONICS CO., LTD. and	)
SAMSUNG ELECTRONICS AMERICA,	)
INC.,	)
	)
Defendants.	)
	)

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**PARUS HOLDING INC.'S  
COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Parus Holdings Inc. (“Parus” or “Plaintiff”) brings this Complaint for Patent infringement (“Complaint”) and for Jury Trial against Samsung Electronics Co., Ltd and Samsung Electronics America, Inc. (collectively “Samsung” or “Defendants”). Parus alleges as follows:

**THE PARTIES**

1. Plaintiff Parus Holdings Inc. is a Delaware corporation having its principal place of business at 3000 Lakeside Drive, Suite 110S, Bannockburn, IL 60015.
2. Parus is the owner by assignment of U.S. Patent No. 7,076,431 (“the ’431 Patent”) (attached as Exhibit 1) and U.S. Patent No. 9,451,084 (“the ’084 Patent”) (attached as Exhibit 2).
3. Defendant Samsung Electronics Co., Ltd is a corporation organized and existing under the laws of South Korea, with a principal place of business located at 129, Samsung-ro,

Yeongtong-gu, Suwon-si, Gyeonggi-do, Korea. On information and belief, Samsung Electronics Co., Ltd is the entity that manufactures the Samsung-branded products sold in the United States, including the accused products in this case. On information and belief, in addition to making the products, Samsung Electronics Co., Ltd is responsible for research and development, product design, and sourcing of components.

4. Defendant Samsung Electronics America, Inc. is a wholly owned subsidiary corporation of Samsung Electronics Co. Ltd. organized and existing under the laws of New York with a principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660.

5. Samsung Electronics America, Inc. has offices and/or other facilities in Texas at least at 12100 Samsung Blvd, Austin, Texas 78754; 2800 Wells Branch Pkwy, Austin, TX 78728; 1301 East Lookout Drive, Richardson, Texas 75082; and 6635 Declaration Drive, Plano, TX 75023.

6. Samsung Electronics America, Inc. has maintained regular and established places of business at 12100 Samsung Blvd, Austin, Texas 78754 and 2800 Wells Branch Pkwy, Austin, TX 78728.

7. Samsung Electronics America, Inc. is registered to do business in Texas.

8. Samsung has placed or contributed to placing infringing products like the Samsung Galaxy Note 9 into the stream of commerce via an established distribution channel knowing or understanding that such products would be sold and used in the United States, including in the Western District of Texas. On information and belief, Samsung also has derived substantial revenues from infringing acts in the Western District of Texas, including from the sale and use of infringing products like the Samsung Galaxy Note 9.

9. Samsung had constructive notice of the '431 Patent based on Parus's marking at least as of June 18, 2007.

10. Samsung had constructive notice of the '084 Patent based on Parus's marking at least as of February 21, 2018.

**JURISDICTION AND VENUE**

11. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. Accordingly, this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

12. This Court has specific personal jurisdiction over Defendants at least in part because Defendants conduct business in this Judicial District. Parus's causes of action arise, at least in part, from Defendants' contacts with and activities in the State of Texas and this Judicial District. Upon information and belief, each Defendant has committed acts of infringement within the State of Texas and this Judicial District by, *inter alia*, directly and/or indirectly using, selling, offering to sell, or importing products that infringe one or more claims of the '431 Patent and/or the '084 Patent.

13. Defendants have committed acts within this District giving rise to this action, and have established sufficient minimum contacts with the State of Texas such that the exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.

14. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391(b), (c), and 1400(d). Venue for Defendant Samsung Electronics Co., Ltd., a foreign corporation, is proper in every judicial district in the U.S., including this one. Venue is proper for Samsung Electronics America, Inc. because Samsung Electronics America, Inc. (1) has a regular and established place of business in this Judicial District, and (2) has committed and continue to commit acts of patent infringement in this Judicial District by, *inter alia*, directly and/or indirectly using, selling,

offering to sell, or importing products that infringe one or more claims of the '431 Patent and/or the '084 Patent.

**COUNT I**

**SAMSUNG'S INFRINGEMENT OF U.S. PATENT NO. 7,076,431**

15. Parus restates and incorporates by reference all of the allegations made in the preceding paragraphs as though fully set forth herein.

16. Parus is the owner, by assignment, of the '431 Patent. A true copy of the '431 Patent granted by the U.S. Patent & Trademark Office is attached as Exhibit 1.

17. Samsung has directly infringed, and continues to directly infringe, literally or under the doctrine of equivalents, at least independent claim 1 of Parus's '431 Patent by making, using, selling, and/or offering for sale its smartphone products implementing the Google Android operating system, including Google Assistant, in the United States, in violation of 35 U.S.C. § 271(a).

18. Samsung had constructive notice of the '431 Patent based on Parus's marking at least as of June 18, 2007. Upon filing of the complaint or shortly thereafter, Defendants had actual knowledge of the '431 Patent.

19. Samsung's acts of direct infringement of the '431 Patent are willful, and have caused and will continue to cause substantial damage and irreparable harm to Parus, and Parus has no adequate remedy at law.

20. Various Samsung products with Google Assistant and/or Samsung Bixby made or sold by Samsung directly infringe at least independent claim 1 of the '431 Patent. Those Samsung products include at least the Samsung Galaxy Note 9 and other Samsung products that incorporate the Google Assistant and/or Samsung Bixby ("Samsung Accused Products").

21. The Samsung Accused Products in conjunction with Google Assistant and/or Samsung Bixby is a system for retrieving information from pre-selected web sites by uttering speech commands into a voice enabled device and for providing to users retrieved information in an audio form via said voice enabled device.

22. The Samsung Galaxy Note 9 in conjunction with Google Assistant practices this claim. *See e.g.*, Andrew Nusca, *How voice recognition will change the world* (Nov. 4, 2011), available at <https://www.zdnet.com/article/how-voice-recognition-will-change-the-world/>, Gene Munster, Will Thompson, *Annual Digital Assistant IQ Test – Siri, Google Assistant, Alexa, Cortana* (Jul. 25, 2018), available at <https://loupventures.com/annual-digital-assistant-iq-test-siri-google-assistant-alexa-cortana/>, Extending the assistant (Jan. 29, 2019), available at <https://developers.google.com/actions/extending-the-assistant>, Voice Browsing (Jan. 29, 2019), available at <https://www.w3.org/standards/webofdevices/voice>, How Search organizes information (Jan. 29, 2019), available at <https://www.google.com/search/howsearchworks/crawling-indexing/>.

23. For example, the Samsung Galaxy Note 9 in conjunction with Google Assistant includes both a top and bottom microphone. *See e.g.*, <https://support.google.com/pixelphone/answer/7157629?hl=en>. Google touts the Google Assistant on its web pages. *See e.g.*, <https://store.google.com/us/category/phones?hl=en-US>.

24. Google indicates that smartphones such as the Samsung Galaxy Note 9 in conjunction with Google Assistant will “help you find answers and control your phone and compatible smart home devices – all with a simple squeeze or by using your voice.” *See e.g.*, <https://www.blog.google/products/pixel/google-pixel-3/>.

25. Google Assistant retrieves information from pre-selected websites that have already been crawled by the Googlebot.

## Googlebot

Googlebot is Google's web crawling bot (sometimes also called a "spider"). **Crawling** is the process by which Googlebot discovers new and updated pages to be added to the Google index.

We use a huge set of computers to fetch (or "crawl") billions of pages on the web. Googlebot uses an algorithmic process: computer programs determine which sites to crawl, how often, and how many pages to fetch from each site.

*See e.g., <https://support.google.com/webmasters/answer/182072>.*

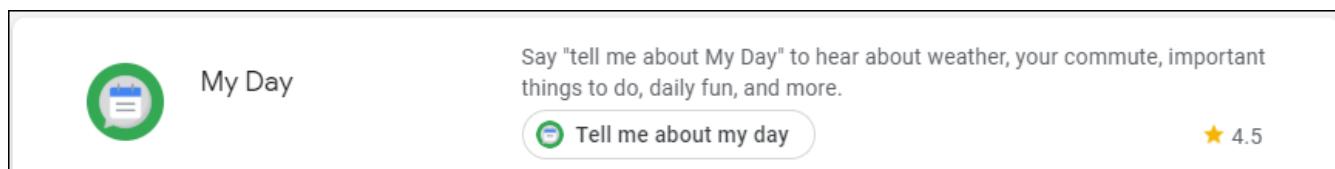
The crawling process begins with a list of web addresses from past crawls and sitemaps provided by website owners. As our crawlers visit these websites, they use links on those sites to discover other pages. The software pays special attention to new sites, changes to existing sites and dead links. Computer programs determine which sites to crawl, how often and how many pages to fetch from each site.

*See e.g., <https://www.google.com/search/howsearchworks/crawling-indexing/>.*

Like Siri, you can ask Google Assistant general questions. Unlike Siri, you'll likely find that Google can handle a wider range of questions than Siri can. That's because Google Assistant taps into Google's web-wide search results each and every time you search, making it more comprehensive.

*See e.g., <https://searchengineland.com/google-assistant-guide-270312>.*

26. The retrieved information is in an audio form via said voice enabled device. For example, Google indicates that one can “**hear** about weather, your commute, important things to do, daily fun, and more.”



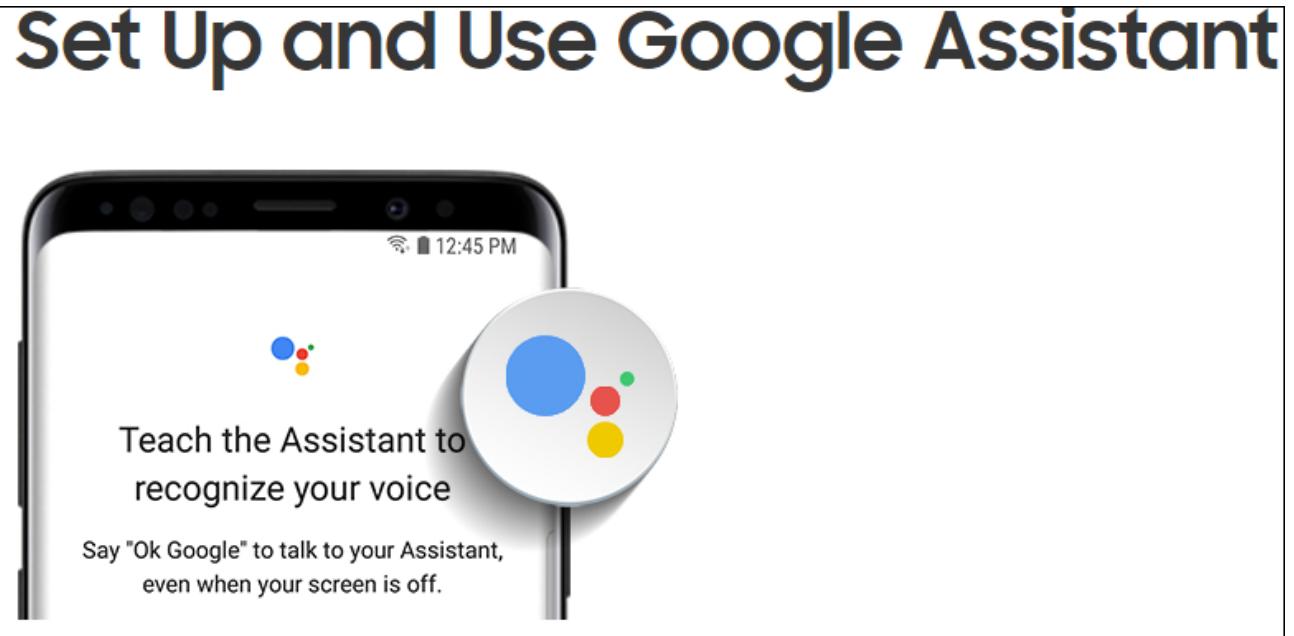
*See e.g., [https://assistant.google.com/explore?hl=en\\_us](https://assistant.google.com/explore?hl=en_us).*

27. Some of the Samsung Accused Products utilize the virtual assistant Bixby. For example, the Samsung Galaxy Note 9 comes with Bixby pre-loaded. *See e.g.*, <https://www.samsung.com/us/mobile/galaxy-note9/specs/>. Samsung also includes a page that gives instructions for setting up and using Samsung Bixby.



*See, e.g.*, <https://www.samsung.com/us/support/answer/ANS00076739/>.

28. Bixby operates in a manner similar to Google Assistant. Analysis of Bixby will not be duplicated where the analysis of Google Assistant appears.



*See e.g., <https://www.samsung.com/us/support/answer/ANS00077672/>.*

29. The Samsung Accused Products in conjunction with Google Assistant and/or Samsung Bixby includes a computer, said computer operatively connected to the internet.

30. For example, the Samsung Galaxy Note 9 includes an Octa-Core processor. *See e.g., https://www.samsung.com/us/mobile/galaxy-note9/specs/*. Moreover, the Samsung Galaxy Note 9 is operatively connected to the internet because the Samsung Galaxy Note 9 includes both Wi-Fi connectivity as well as cellular connectivity. *See id.*

31. The Samsung Accused Products in conjunction with Google Assistant and/or Samsung Bixby includes a voice enabled device operatively connected to said computer, said voice enabled device configured to receive speech commands from users.

32. For example, Samsung Galaxy Note 9 in conjunction with Google Assistant and/or Samsung Bixby is a voice enabled device because the Samsung Galaxy Note 9 includes a microphone. *See e.g., https://www.samsung.com/us/mobile/galaxy-note9/specs/*. Further, the microphone operatively connected to the Samsung Galaxy Note 9 in conjunction with Google

Assistant and/or Samsung Bixby is configured to receive speech commands from users. *See e.g.*,  
<https://www.samsung.com/us/support/answer/ANS00077672/>.

33. Google indicates that a smartphone such as the Galaxy Note 9 in conjunction with Google Assistant will “help you find answers and control your phone and compatible smart home devices – all with a simple squeeze or by using your voice.” *See e.g.*,  
<https://www.blog.google/products/pixel/google-pixel-3/>. The Galaxy Note 9 in conjunction with Google Assistant can handle these commands on the phone itself or with help from the cloud.

Bringing the best AI experiences to Pixel 3 involved some re-thinking from the ground up. Our phones are powerful computers with multiple sensors which enable new helpful and secure experiences when data is processed on your device. These AI-powered features can work offline and don't require a network connection. And they can keep data on device, private to you. With Pixel 3, we complement our traditional approach to AI, where machine learning and data processing is done in the cloud, with reliable, accessible AI on device, when you're on the go.

*See e.g.*, <https://blog.google/products/pixel/pixel-3-and-device-ai-putting-superpowers-your-pocket/>. *See also*, <https://www.zdnet.com/article/how-voice-recognition-will-change-the-world/>.

34. The Samsung Accused Products in conjunction with Google Assistant and/or Samsung Bixby include at least one speaker-independent speech recognition device, said speaker-independent speech recognition device operatively connected to said computer and to said voice enabled device.

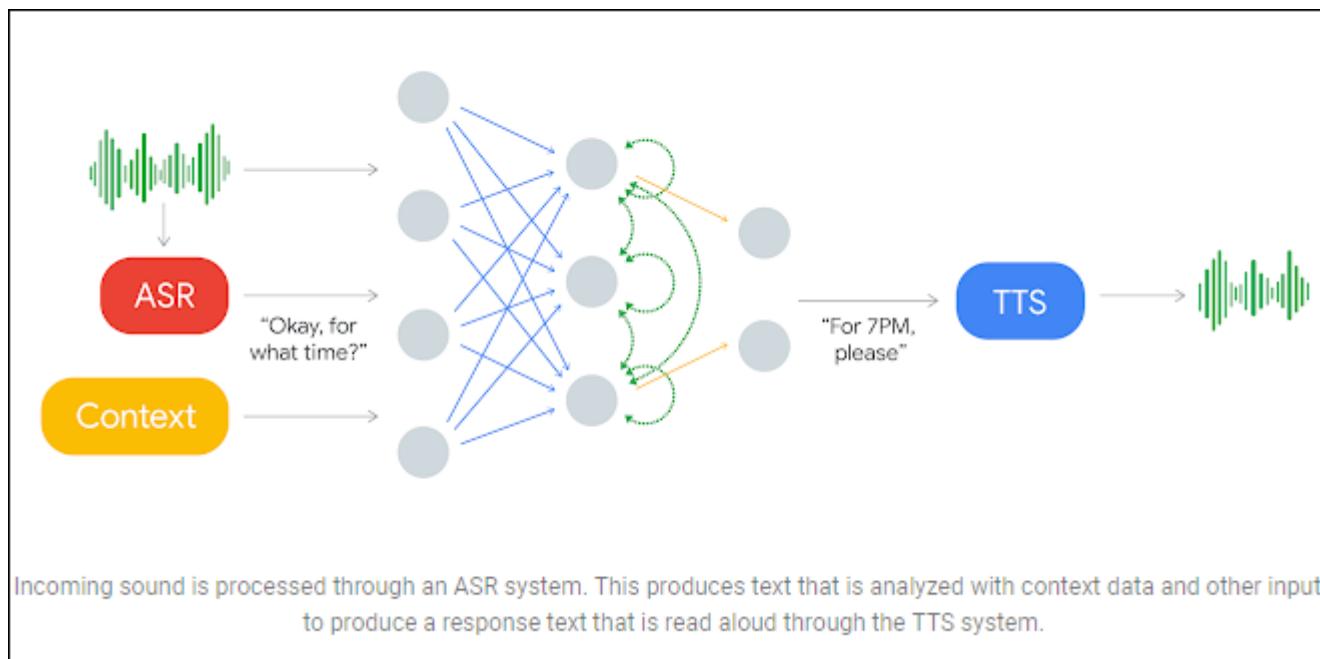
35. For example, the Samsung Galaxy Note 9 in conjunction with Google Assistant and/or Samsung Bixby allows a user to talk through the device to send commands to the cloud. The Galaxy Note 9 in conjunction with Google Assistant can handle voice commands on the device itself or with help from the cloud. *See e.g.*, <https://blog.google/products/pixel/pixel-3-and-device-ai-putting-superpowers-your-pocket/>.

For users, Google Duplex is making supported tasks easier. Instead of making a phone call, the user simply interacts with the Google Assistant, and the call happens completely in the background without any user involvement.



A user asks the Google Assistant for an appointment, which the Assistant then schedules by having Duplex call the business.

See e.g., <https://ai.googleblog.com/2018/05/duplex-ai-system-for-natural-conversation.html>.



See *id.*

36. The Samsung Accused Products in conjunction with Google Assistant and/or Samsung Bixby includes at least one speech synthesis device, said speech synthesis device operatively connected to said computer and to said voice enabled device.

37. For example, the a smartphone such as the Samsung Galaxy Note 9 in conjunction with Google Assistant and/or Samsung Bixby generate voice responses on the device itself. The Galaxy Note 9 in conjunction with Google Assistant can handle voice commands on the device itself or with help from the cloud and produce an audio response.

Bringing the best AI experiences to Pixel 3 involved some re-thinking from the ground up. Our phones are powerful computers with multiple sensors which enable new helpful and secure experiences when data is processed on your device. These AI-powered features can work offline and don't require a network connection. And they can keep data on device, private to you. With Pixel 3, we complement our traditional approach to AI, where machine learning and data processing is done in the cloud, with reliable, accessible AI on device, when you're on the go.

*See e.g., <https://blog.google/products/pixel/pixel-3-and-device-ai-putting-superpowers-your-pocket/>.*

38. .

39. The Samsung Accused Products in conjunction with Google Assistant and/or Samsung Bixby include at least one instruction set for identifying said information to be retrieved, said instruction set being associated with said computer.

40. For example, because the Samsung Galaxy Note 9 in conjunction with Google Assistant and/or Samsung Bixby can handle voice commands on the device itself or with help from the cloud, there is an instruction set for identifying said information to be retrieved, said instruction set being associated with said computer. *See e.g.,*

*<https://blog.google/products/pixel/pixel-3-and-device-ai-putting-superpowers-your-pocket/>; see also <https://ai.googleblog.com/2018/05/duplex-ai-system-for-natural-conversation.html>.*

41. The Samsung Accused Products in conjunction with Google Assistant includes at least one instruction set for identifying said information to be retrieved comprising a plurality of

pre-selected web site addresses, each said web site address identifying a web site containing said information to be retrieved.

42. For example, Google indicates that a smartphone such as the Samsung Galaxy Note 9 in conjunction with Google Assistant retrieves information from pre-selected websites that have already been crawled by the Googlebot.

## Googlebot

Googlebot is Google's web crawling bot (sometimes also called a "spider"). Crawling is the process by which Googlebot discovers new and updated pages to be added to the Google index.

We use a huge set of computers to fetch (or "crawl") billions of pages on the web. Googlebot uses an algorithmic process: computer programs determine which sites to crawl, how often, and how many pages to fetch from each site.

*See e.g.*, <https://support.google.com/webmasters/answer/182072>.

Before you search, web crawlers gather information from across hundreds of billions of webpages and organize it in the Search index.

*See e.g.*, <https://www.google.com/search/howsearchworks/crawling-indexing/>.

When crawlers find a webpage, our systems render the content of the page, just as a browser does. We take note of key signals – from keywords to website freshness – and we keep track of it all in the Search index. The Google Search index contains hundreds of billions of webpages and is well over 100,000,000 gigabytes in size. It's like the index in the back of a book – with an entry for every word seen on every web page we index. When we index a web page, we add it to the entries for all of the words it contains.

*See id.*

Like Siri, you can ask Google Assistant general questions. Unlike Siri, you'll likely find that Google can handle a wider range of questions than Siri can. That's because Google Assistant taps into Google's web-wide search results each and every time you search, making it more comprehensive.

*See e.g.*, <https://searchengineland.com/google-assistant-guide-270312>.

43. Google uses technology to crawl the web to index web sites with information to respond to a search request. The indexed websites are identified by web site addresses. These

indexed websites are “a plurality of pre-selected web site addresses,” and each such website “identif[ies] a web site containing said information to be retrieved.

44. The Samsung Accused Products in conjunction with Google Assistant and/or Samsung Bixby includes at least one recognition grammar associated with said computer, each said recognition grammar corresponding to each said instruction set and corresponding to a speech command.

45. For example, because the Samsung Galaxy Note 9 in conjunction with Google Assistant and/or Samsung Bixby can handle voice commands on the device itself or with help from the cloud, there is a recognition grammar corresponding to each said instruction set and corresponding speech command. *See e.g.,* <https://blog.google/products/pixel/pixel-3-and-device-ai-putting-superpowers-your-pocket/>; *see also* <https://ai.googleblog.com/2018/05/duplex-ai-system-for-natural-conversation.html>.

46. The Samsung Accused Products in conjunction with Google Assistant and/or Samsung Bixby include said speech command comprising an information request selectable by the user.

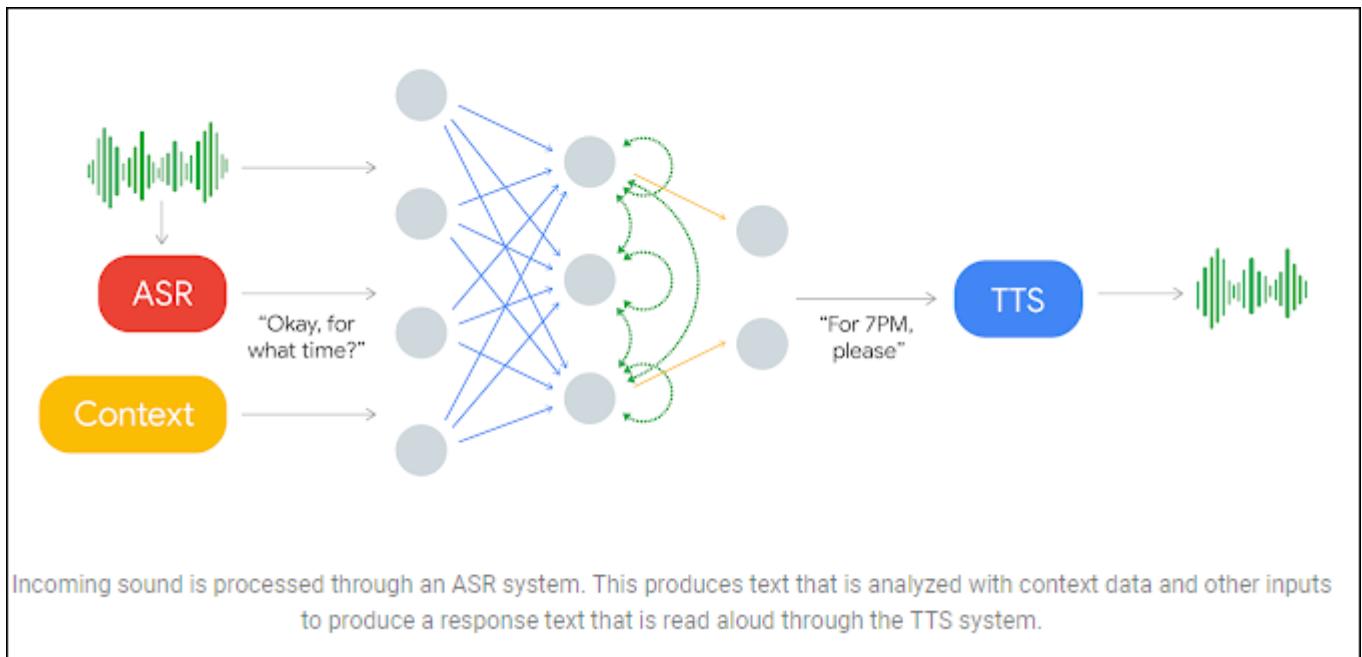
47. The Samsung Galaxy Note 9 in conjunction with Google Assistant and/or Samsung Bixby is a system for retrieving information from pre-selected web sites by uttering speech commands into a voice enabled device. For example, the Samsung Galaxy Note 9 in conjunction with Google Assistant and/or Samsung Bixby will make tasks easier. Google touts the Google Assistant on its web pages. *See e.g.,*

<https://store.google.com/us/category/phones?hl=en-US>. Google indicates that a smartphone such as the Samsung Galaxy Note 9 in conjunction with Google Assistant will “help you find answers

and control your phone and compatible smart home devices – all with a simple squeeze or by using your voice.” *See e.g.*, <https://www.blog.google/products/pixel/google-pixel-3/>.

48. The Samsung Accused Products in conjunction with Google Assistant and/or Samsung Bixby includes said speaker-independent speech recognition device configured to receive from users via said voice enabled device said speech command and to select the corresponding recognition grammar upon receiving said speech command.

49. For example, because the Samsung Galaxy Note 9 in conjunction with Google Assistant and/or Samsung Bixby can handle voice commands on the device itself or with help from the cloud, there is a recognition grammar corresponding to each said instruction set and corresponding speech command. *See e.g.*, <https://blog.google/products/pixel/pixel-3-and-device-ai-putting-superpowers-your-pocket/>.



*See e.g.*, <https://ai.googleblog.com/2018/05/duplex-ai-system-for-natural-conversation.html>.

50. The Samsung Accused Products in conjunction with Google Assistant and/or Samsung Bixby include said computer configured to retrieve said instruction set corresponding to said recognition grammar selected by said speaker-independent speech recognition device.

51. For example, because the Samsung Galaxy Note 9 in conjunction with Google Assistant and/or Samsung Bixby can handle voice commands on the device itself or with help from the cloud, there is a recognition grammar corresponding to each said instruction set and corresponding speech command. *See e.g.,* <https://blog.google/products/pixel/pixel-3-and-device-ai-putting-superpowers-your-pocket/>; *see also,* <https://ai.googleblog.com/2018/05/duplex-ai-system-for-natural-conversation.html>.

52. The Samsung Accused Products in conjunction with Google Assistant and/or Samsung Bixby includes said computer further configured to access at least one of said plurality of web sites identified by said instruction set to obtain said information to be retrieved, aid computer configured to first access said first web site of said plurality of web sites and, if said information to be retrieved is not found at said first web site, said computer configured to sequentially access said plurality of web sites until said information to be retrieved is found or until said plurality of web sites has been accessed.

53. For example, Google indicates that the Samsung Galaxy Note 9 in conjunction with Google Assistant and/or Samsung Bixby will make tasks easier. Google touts the Google Assistant on its web pages. *See e.g.,* <https://store.google.com/us/category/phones?hl=en-US>.

54. Google indicates that a smartphone such as the Samsung Galaxy Note 9 in conjunction with Google Assistant will “help you find answers and control your phone and compatible smart home devices – all with a simple squeeze or by using your voice.” *See e.g.,* <https://www.blog.google/products/pixel/google-pixel-3/>.

55. Google Assistant retrieves information from pre-selected websites that have already been crawled by the Googlebot.

## Googlebot

Googlebot is Google's web crawling bot (sometimes also called a "spider"). **Crawling** is the process by which Googlebot discovers new and updated pages to be added to the Google index.

We use a huge set of computers to fetch (or "crawl") billions of pages on the web. Googlebot uses an algorithmic process: computer programs determine which sites to crawl, how often, and how many pages to fetch from each site.

*See e.g.,* <https://support.google.com/webmasters/answer/182072>.

Before you search, web crawlers gather information from across hundreds of billions of webpages and organize it in the Search index.

*See e.g.,* <https://www.google.com/search/howsearchworks/crawling-indexing/>.

The crawling process begins with a list of web addresses from past crawls and sitemaps provided by website owners. As our crawlers visit these websites, they use links on those sites to discover other pages. The software pays special attention to new sites, changes to existing sites and dead links. Computer programs determine which sites to crawl, how often and how many pages to fetch from each site.

*See id.*

Like Siri, you can ask Google Assistant general questions. Unlike Siri, you'll likely find that Google can handle a wider range of questions than Siri can. That's because Google Assistant taps into Google's web-wide search results each and every time you search, making it more comprehensive.

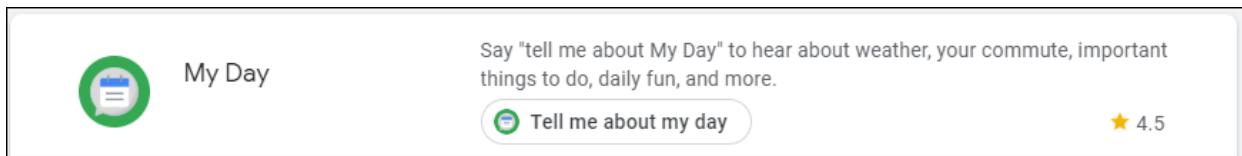
*See e.g.,* <https://searchengineland.com/google-assistant-guide-270312>.

56. Google uses technology to discover and index web sites that have information that is subsequently used to respond to search requests. Upon receiving a specific search request, Google's search algorithms are configured to access the plurality of web sites in some "sequential" order (as by the ranking order of the websites, the ranking order specifies a sequence) until information pertinent to the request is found or until the web sites (in the ranking order defined) are accessed to find specific information to respond to the specific search request;

Google's operations meet the claimed recitation "said computer further configured to access at least one of said plurality of web sites identified by said instruction set to obtain said information to be retrieved" and "said computer configured to first access said first web site of said plurality of web sites" and if the information is not found at the first web site, Google's search algorithms sequentially access the websites until the information is retrieved or until all the sources are considered.

57. The Samsung Accused Products in conjunction with Google Assistant and/or Samsung Bixby include said speech synthesis device configured to produce an audio message containing any retrieved information from said pre-selected web sites, and said speech synthesis device further configured to transmit said audio message to said users via said voice enabled device.

58. For example, because the Samsung Galaxy Note 9 in conjunction with Google Assistant and/or Samsung Bixby can handle voice commands on the device itself or with help from the cloud, there is a recognition grammar corresponding to each said instruction set and corresponding speech command.



See e.g., [https://assistant.google.com/explore?hl=en\\_us](https://assistant.google.com/explore?hl=en_us).

59. In addition to directly infringing the '431 Patent, Samsung indirectly infringes the '431 Patent pursuant to 35 U.S.C. § 271(b) and (c). Defendants has had knowledge of the '431 Patent since at least the filing of this complaint, and has been on constructive notice of the '431 Patent due to Parus' marking since at least June 18, 2007. By the time of trial, Defendants will

have known and intended (since receiving such notice) that their continued actions would actively induce the infringement of the claims of the '431 Patent.

60. Samsung indirectly infringes the '431 Patent by instructing, directing and/or requiring others, including customers, purchasers, users and developers, to perform one or more of the steps of the method claims, either literally or under the doctrine of equivalents, of the '431 Patent, where all the steps of the method claims are performed by either Samsung, its customers, purchasers, users, and developers, or some combination thereof. Samsung knew or should have known that it was inducing others, including customers, purchasers, users, and developers, to infringe by practicing, either themselves or in conjunction with Defendants, one or more method claims of the '431 Patent.

61. Upon information and belief, Samsung knowingly and actively aided and abetted the direct infringement of the '431 Patent by instructing and encouraging its customers, purchasers, users, and developers to use the '431 Patent methods and technology. These instructions of encouragement include, but are not limited to, using the accused products as described in the claims of the '431 Patent, in advertising and promoting the use of the '431 Patent's claimed technology, and as further described in above.

62. Samsung has also infringed, and continues to infringe, claims of the '431 Patent by offering to commercially distribute, commercially distributing, making and/or importing the Samsung Accused Products, which are used in practicing the process, or using the systems, of the '431 Patent, and constitute a material part of the invention. Samsung knows the components in the Samsung Accused Products to be especially made or especially adapted for use in infringement of the '431 Patent, not a staple article, and not a commodity of commerce suitable for substantial noninfringing use. For example, the ordinary way of using the Samsung Accused

Products infringes the patent claims, and as such, is especially adapted for use in infringement as set forth above. Accordingly, Samsung has been, and currently is, contributorily infringing the '431 Patent, in violation of 35 U.S.C. § 271(c).

**COUNT II**

**SAMSUNG'S INFRINGEMENT OF U.S. PATENT NO. 9,451,084**

63. Parus restates and incorporates by reference all of the allegations made in the preceding paragraphs as though fully set forth herein.

64. Parus is the owner, by assignment, of the '084 Patent. A true copy of the '084 Patent granted by the U.S. Patent & Trademark Office is attached as Exhibit 2.

65. Samsung has directly infringed, and continues to directly infringe, literally or under the doctrine of equivalents, at least independent claim 1 of Parus's '084 Patent by making, using, selling, and/or offering for sale its smartphone products implementing the Google Android operating system, including Google Assistant, in the United States, in violation of 35 U.S.C. § 271(a).

66. Samsung had constructive notice of the '084 Patent based on Parus's marking at least as of February 21, 2018. Upon filing of the complaint or shortly thereafter, Defendants have actual knowledge of the '084 Patent.

67. Samsung's acts of direct infringement of the '084 Patent are willful, and have caused and will continue to cause substantial damage and irreparable harm to Parus, and Parus has no adequate remedy at law.

68. The Samsung Accused Products in conjunction with Google Assistant and/or Samsung Bixby is a system for acquiring information from one or more sources maintaining a listing of web sites by receiving speech commands uttered by users into a voice-enabled device

and for providing information retrieved from the web sites to the users in an audio form via the voice-enabled device.

69. The Samsung Galaxy Note 9 in conjunction with Google Assistant practices this claim. *See e.g.*, Andrew Nusca, *How voice recognition will change the world* (Nov. 4, 2011), available at <https://www.zdnet.com/article/how-voice-recognition-will-change-the-world/>, Gene Munster, Will Thompson, *Annual Digital Assistant IQ Test – Siri, Google Assistant, Alexa, Cortana* (Jul. 25, 2018), available at <https://loupventures.com/annual-digital-assistant-iq-test-siri-google-assistant-alexa-cortana/>, Extending the assistant (Jan. 29, 2019), available at <https://developers.google.com/actions/extending-the-assistant>, Voice Browsing (Jan. 29, 2019), available at <https://www.w3.org/standards/webofdevices/voice>, How Search organizes information (Jan. 29, 2019), available at <https://www.google.com/search/howsearchworks/crawling-indexing/>.

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*See e.g., <https://support.google.com/webmasters/answer/182072>.*

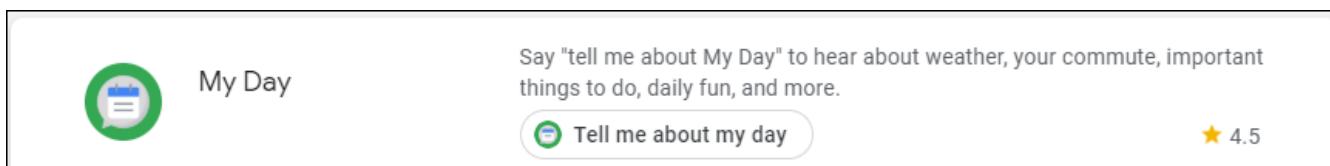
The crawling process begins with a list of web addresses from past crawls and sitemaps provided by website owners. As our crawlers visit these websites, they use links on those sites to discover other pages. The software pays special attention to new sites, changes to existing sites and dead links. Computer programs determine which sites to crawl, how often and how many pages to fetch from each site.

*See e.g., <https://www.google.com/search/howsearchworks/crawling-indexing/>.*

Like Siri, you can ask Google Assistant general questions. Unlike Siri, you'll likely find that Google can handle a wider range of questions than Siri can. That's because Google Assistant taps into Google's web-wide search results each and every time you search, making it more comprehensive.

*See e.g., <https://searchengineland.com/google-assistant-guide-270312>.*

73. The retrieved information is in an audio form via said voice enabled device. For example, Google indicates that one can “**hear** about weather, your commute, important things to do, daily fun, and more.”



*See e.g., [https://assistant.google.com/explore?hl=en\\_us](https://assistant.google.com/explore?hl=en_us).*

74. Some of the Samsung Accused Products utilize the virtual assistant Bixby. For example, the Samsung Galaxy Note 9 comes with Bixby pre-loaded. *See e.g.,*

<https://www.samsung.com/us/mobile/galaxy-note9/specs/>. Samsung also includes a page that gives instructions for setting up and using Samsung Bixby.



The screenshot shows a Samsung Galaxy Note 9 smartphone lying on a wooden surface. The screen displays the Bixby setup interface. At the top, it says "English (United States)". Below that, it says "Hi John! Welcome to the new Bixby". In the top right corner of the phone's screen, there are two small icons: a gear and a document.

Bixby is a digital personal assistant on your Galaxy phone that automatically adjusts to your lifestyle and needs. Over time, Bixby will learn your habits and interests, so it can better assist you. But first, you'll need to set up Bixby for the first time.

*See, e.g., <https://www.samsung.com/us/support/answer/ANS00076739/>.*

75. Bixby operates in a manner similar to Google Assistant. Analysis of Bixby will not be duplicated where the analysis of Google Assistant appears.

76. The Samsung Accused Products in conjunction with Google Assistant and/or Samsung Bixby include at least one computing device, the computing device operatively coupled to one or more networks.

77. For example, the Samsung Galaxy Note 9 includes an Octa-Core processor and is operatively connected to the internet in normal usage. *See e.g.,* <https://www.samsung.com/us/mobile/galaxy-note9/specs/>.

78. The Samsung Accused Products in conjunction with Google Assistant and/or Samsung Bixby includes at least one speaker-independent speech-recognition device, the

speaker-independent speech-recognition device operatively connected to the computing device and configured to receive the speech commands.

79. For example, Google indicates that a smartphone such as the Samsung Galaxy Note 9 in conjunction with Google Assistant can handle voice commands on the device itself or with help from the cloud.

Bringing the best AI experiences to Pixel 3 involved some re-thinking from the ground up. Our phones are powerful computers with multiple sensors which enable new helpful and secure experiences when data is processed on your device. These AI-powered features can work offline and don't require a network connection. And they can keep data on device, private to you. With Pixel 3, we complement our traditional approach to AI, where machine learning and data processing is done in the cloud, with reliable, accessible AI on device, when you're on the go.

*See e.g., <https://blog.google/products/pixel/pixel-3-and-device-ai-putting-superpowers-your-pocket/>.*

For users, Google Duplex is making supported tasks easier. Instead of making a phone call, the user simply interacts with the Google Assistant, and the call happens completely in the background without any user involvement.



A user asks the Google Assistant for an appointment, which the Assistant then schedules by having Duplex call the business.

*See e.g., <https://ai.googleblog.com/2018/05/duplex-ai-system-for-natural-conversation.html>.*

80. .

81. The Samsung Accused Products in conjunction with Google Assistant and/or Samsung Bixby include at least one speech-synthesis device, the speech-synthesis device operatively connected to the computing device.

82. For example, the Samsung Galaxy Note 9 in conjunction with Google Assistant can handle voice commands on the device itself or with help from the cloud. *See e.g.,* <https://blog.google/products/pixel/pixel-3-and-device-ai-putting-superpowers-your-pocket/>.

83. The Samsung Accused Products in conjunction with Google Assistant and/or Samsung Bixby includes a memory operatively associated with the computing device with at least one instruction set for identifying the information to be retrieved, the instruction set being associated with the computing device.

84. For example, the Samsung Galaxy Note 9 in conjunction with Google Assistant includes memory and stores at least one instruction set for the operation of Google Assistant. *See e.g.,* <https://www.samsung.com/us/mobile/galaxy-note9/specs/>.

85. The Samsung Accused Products in conjunction with Google Assistant and/or Samsung Bixby include at least one instruction set for identifying the information to be retrieved comprising a plurality of web site addresses for the listing of web sites, each web site address identifying a web site containing the information to be retrieved.

86. For example, Google indicates that a smartphone such as the Samsung Galaxy Note 9 3 in conjunction with Google Assistant retrieves information from websites that have already been crawled by the Googlebot.

## Googlebot

Googlebot is Google's web crawling bot (sometimes also called a "spider"). **Crawling** is the process by which Googlebot discovers new and updated pages to be added to the Google index.

We use a huge set of computers to fetch (or "crawl") billions of pages on the web. Googlebot uses an algorithmic process: computer programs determine which sites to crawl, how often, and how many pages to fetch from each site.

*See e.g.,* <https://support.google.com/webmasters/answer/182072>.

Before you search, web crawlers gather information from across hundreds of billions of webpages and organize it in the Search index.

*See e.g.,* <https://www.google.com/search/howsearchworks/crawling-indexing/>.

The crawling process begins with a list of web addresses from past crawls and sitemaps provided by website owners. As our crawlers visit these websites, they use links on those sites to discover other pages. The software pays special attention to new sites, changes to existing sites and dead links. Computer programs determine which sites to crawl, how often and how many pages to fetch from each site.

*See id.*

87. Google uses technology to crawl the web to index web sites with information to respond to a search request. The indexed websites are identified by web site addresses. These indexed websites are “a plurality of web site addresses for the listing of websites,” and each such website “identif[ies] a web site containing the information to be retrieved.

Like Siri, you can ask Google Assistant general questions. Unlike Siri, you'll likely find that Google can handle a wider range of questions than Siri can. That's because Google Assistant taps into Google's web-wide search results each and every time you search, making it more comprehensive.

*See e.g.,* <https://searchengineland.com/google-assistant-guide-270312>.

88. The Samsung Accused Products in conjunction with Google Assistant and/or Samsung Bixby include at least one recognition grammar associated with the computing device, each recognition grammar corresponding to each instruction set and corresponding to a speech command, the speech command comprising an information request provided by the user, the

speaker-independent speech-recognition device configured to receive the speech command from the users via the voice-enabled device and to select the corresponding recognition grammar upon receiving the speech command.

89. For example, because the Samsung Galaxy Note 9 in conjunction with Google Assistant and/or Samsung Bixby can handle voice commands on the device itself or with help from the cloud, there is a recognition grammar corresponding to each said instruction set and corresponding speech command. *See e.g.,* <https://blog.google/products/pixel/pixel-3-and-device-ai-putting-superpowers-your-pocket/>; *see also* <https://ai.googleblog.com/2018/05/duplex-ai-system-for-natural-conversation.html>.

90. The Samsung Accused Products in conjunction with Google Assistant and/or Samsung Bixby include the computing device configured to retrieve the instruction set corresponding to the recognition grammar provided by the speaker-independent speech-recognition device.

91. For example, because the Samsung Galaxy Note 9 in conjunction with Google Assistant and/or Samsung Bixby can handle voice commands on the device itself or with help from the cloud, there is a recognition grammar corresponding to each said instruction set and corresponding speech command. *See e.g.,* <https://blog.google/products/pixel/pixel-3-and-device-ai-putting-superpowers-your-pocket/>; *see also* <https://ai.googleblog.com/2018/05/duplex-ai-system-for-natural-conversation.html>.

92. The Samsung Accused Products in conjunction with Google Assistant and/or Samsung Bixby include the computing device further configured to access at least one of the plurality of web sites identified by the instruction set to obtain the information to be retrieved, wherein the computing device is further configured to periodically search via the one or more

networks to identify new web sites and to add the new web sites to the plurality of web sites, the computing device configured to access a first web site of the plurality of web sites and, if the information to be retrieved is not found at the first web site, the computer configured to access the plurality of web sites remaining in an order defined for accessing the listing of web sites until the information to be retrieved is found in at least one of the plurality of web sites or until the plurality of web sites have been accessed.

93. The Samsung Galaxy Note 9 in conjunction with Google Assistant and/or Samsung Bixby is a system for retrieving information from web sites by uttering speech commands into a voice enabled device. For example, Google indicates that the Samsung Galaxy Note 9 in conjunction with Google Assistant and/or Samsung Bixby will make tasks easier. Google touts the Google Assistant on its web pages. *See e.g.*,

<https://store.google.com/us/category/phones?hl=en-US>.

94. Google indicates that a smartphone such as the Galaxy Note 9 in conjunction with Google Assistant will “help you find answers and control your phone and compatible smart home devices – all with a simple squeeze or by using your voice.”

The Google Assistant is also baked into Pixel 3 to help you find answers and control your phone and compatible smart home devices—all with a simple squeeze or by using your voice. This year we have two new Assistant features coming to Pixel.

*See e.g.*, <https://www.blog.google/products/pixel/google-pixel-3/>; *see also*,

<https://ai.googleblog.com/2018/05/duplex-ai-system-for-natural-conversation.html>.

95. Google Assistant retrieves information from pre-selected websites that have already been crawled by the Googlebot.

## Googlebot

Googlebot is Google's web crawling bot (sometimes also called a "spider"). **Crawling** is the process by which Googlebot discovers new and updated pages to be added to the Google index.

We use a huge set of computers to fetch (or "crawl") billions of pages on the web. Googlebot uses an algorithmic process: computer programs determine which sites to crawl, how often, and how many pages to fetch from each site.

*See e.g.,* <https://support.google.com/webmasters/answer/182072>.

The crawling process begins with a list of web addresses from past crawls and sitemaps provided by website owners. As our crawlers visit these websites, they use links on those sites to discover other pages. The software pays special attention to new sites, changes to existing sites and dead links. Computer programs determine which sites to crawl, how often and how many pages to fetch from each site.

*See e.g.,* <https://www.google.com/search/howsearchworks/crawling-indexing/>.

When crawlers find a webpage, our systems render the content of the page, just as a browser does. We take note of key signals – from keywords to website freshness – and we keep track of it all in the Search index. The Google Search index contains hundreds of billions of webpages and is well over 100,000,000 gigabytes in size. It's like the index in the back of a book – with an entry for every word seen on every web page we index. When we index a web page, we add it to the entries for all of the words it contains.

*See id.*

Like Siri, you can ask Google Assistant general questions. Unlike Siri, you'll likely find that Google can handle a wider range of questions than Siri can. That's because Google Assistant taps into Google's web-wide search results each and every time you search, making it more comprehensive.

*See e.g.,* <https://searchengineland.com/google-assistant-guide-270312>.

96. Google uses technology to "crawl" the web to "index" web sites with information to respond to a search request; Google's "crawling" technology discovers "new web sites" periodically, either on its own or adds them if provided by website owners, in an effort to constantly provide updated data. Further, Google's operations access the websites in a defined order (as ranked) until the information to respond to a search request is found or until the list of information sources or websites have been considered.

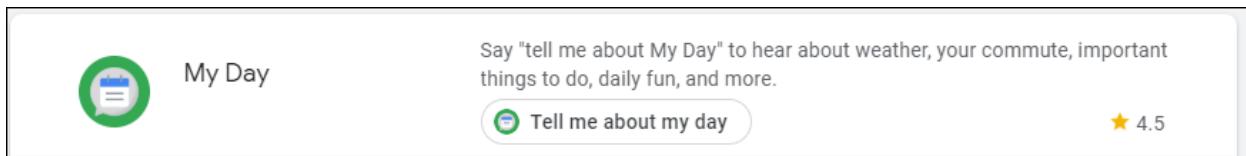
97. The Samsung Accused Products in conjunction with Google Assistant and/or Samsung Bixby include the speech synthesis device configured to produce an audio message containing any retrieved information from the plurality of web sites.

98. For example, because the Samsung Galaxy Note 9 in conjunction with Google Assistant and/or Samsung Bixby can handle voice commands on the device itself or with help from the cloud, there is a recognition grammar corresponding to each said instruction set and corresponding speech command. The Galaxy Note 9 in conjunction with Google Assistant conveys the retrieved information into an audio form via said voice enabled device as Google indicates that one can “hear about weather, your commute, important things to do, daily fun, and more.”

*See e.g., [https://assistant.google.com/explore?hl=en\\_us](https://assistant.google.com/explore?hl=en_us).*

99. The Samsung Accused Products in conjunction with Google Assistant and/or Samsung Bixby include the speech synthesis device further configured to transmit the audio message to the users via the voice-enabled device.

100. For example, the retrieved information is in an audio form via said voice enabled device as Google indicates that one can “hear about weather, your commute, important things to do, daily fun, and more.”



*See e.g., [https://assistant.google.com/explore?hl=en\\_us](https://assistant.google.com/explore?hl=en_us).*

101. In addition to directly infringing the '084 Patent, Samsung indirectly infringes the '084 Patent pursuant to 35 U.S.C. § 271(b) and (c). Samsung has had knowledge of the '084 Patent since at least the filing of this complaint, and has been on constructive notice of the '084

Patent due to Parus' marking since at least February 21, 2018. By the time of trial, Samsung will have known and intended (since receiving such notice) that their continued actions would actively induce the infringement of the claims of the '084 Patent.

102. Samsung indirectly infringes the '084 Patent by instructing, directing and/or requiring others, including customers, purchasers, users and developers, to perform one or more of the steps of the method claims, either literally or under the doctrine of equivalents, of the '084 Patent, where all the steps of the method claims are performed by either Samsung, its customers, purchasers, users, and developers, or some combination thereof. Samsung knew or should have known that it was inducing others, including customers, purchasers, users, and developers, to infringe by practicing, either themselves or in conjunction with Samsung, one or more method claims of the '084 Patent.

103. Upon information and belief, Samsung knowingly and actively aided and abetted the direct infringement of the '084 Patent by instructing and encouraging its customers, purchasers, users, and developers to use the '084 Patent methods and technology. These instructions of encouragement include, but are not limited to, using the accused products as described in the claims of the '084 Patent, in advertising and promoting the use of the '084 Patent's claimed technology, and as further described in above.

104. Samsung has also infringed, and continues to infringe, claims of the '084 Patent by offering to commercially distribute, commercially distributing, making and/or importing the Samsung Accused Products, which are used in practicing the process, or using the systems, of the '084 Patent, and constitute a material part of the invention. Samsung knew the components in the Samsung Accused Products to be especially made or especially adapted for use in infringement of the '084 Patent, not a staple article, and not a commodity of commerce suitable

for substantial noninfringing use. For example, the ordinary way of using the Samsung Accused Products infringes the patent claims, and as such, is especially adapted for use in infringement as set forth above. Accordingly, Samsung has been, and currently is, contributorily infringing the '084 Patent, in violation of 35 U.S.C. § 271(c).

**PRAYER FOR RELIEF**

WHEREFORE, Parus request the Court grant the relief set forth below:

- A. Enter judgment that Defendants have infringed, and continue to infringe, one or more claims of the '431 Patent and/or the '084 Patent;
- B. Enter judgment that Defendants' acts of patent infringement are willful;
- C. Temporarily, preliminarily, or permanently enjoin Defendants, their parents, subsidiaries, affiliates, divisions, officers, agents, servants, employees, directors, partners, representatives, all individuals and entities in active concert and/or participation with them, and all individuals and/or entities within their control from engaging in the aforesaid unlawful acts of patent infringement;
- D. Order Defendants to account for and pay damages caused to Parus by Defendants' unlawful acts of patent infringement;
- E. Award Parus increased damages and attorney fees pursuant to 35 U.S.C. §§ 284 and 285;
- F. Award Parus the interest and costs incurred in this action; and
- G. Grant Parus such other and further relief, including equitable relief, as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a jury trial for all issues deemed to be triable by a jury.

DATED: July 23, 2019

Respectfully submitted,

By /s/ Michael N. McNamara w/permission by T. John Ward, Jr.

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